

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Jorge Arturo Flores Pulido, Daniel Cejas and
Angel Eduardo Flores Pulido on behalf of
themselves and others similarly situated,

Plaintiff,

V.

Francisco Jimenez, Fabiola Alcasar Cisneros,
Jimenez & Sons Landscaping, Inc.,

Defendants.

Case No. 1:19-cv-02767

Honorable Judge Robert W.
Gettleman

SECOND JOINT STATUS REPORT

Plaintiffs Jorge Arturo Flores Pulido, Daniel Cejas, and Angel Flores Pulido on behalf of themselves and others similarly situated and Defendants Francisco Jimenez, Fabiola Alcasar Cisneros, and Jimenez & Sons Landscaping, Inc., by and through their attorneys, hereby submit their Joint Status Report and state as follows:

- A. The initial status report before the Court is set for October 5, 2020 at 9:15 a.m.
- B. Attorneys of Record:

1. Plaintiff:

Jorge Sanchez (Trial Attorney)
Lopez & Sanchez LLP
77 W. Washington St., Suite 1313
Chicago, IL 60602
(312) 420-6784

2. Defendants:

Donald S. Rothschild (Trial Attorney)
Brian Michael Dougherty

Goldstine, Skrodzki, Russian, Nemec and Hoff, Ltd.
835 McClintock Drive, Second Floor
Burr Ridge, Illinois 60527-0860
(630) 321-6125

C. Basis for federal jurisdiction: This Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. §1331 and 29 U. S. C. §216(b). This court has supplemental jurisdiction over Plaintiffs' Illinois statutory claims pursuant to 28 U.S.C. §1367.

D. Jury demand: Plaintiff has requested a jury.

E. Nature of the claims asserted: This complaint is brought on behalf of Plaintiffs and other similarly situated individuals. They seek relief for violations of their rights by Defendants who allegedly caused harm to Plaintiffs and other similarly situated individuals. Plaintiffs state claims for redress under the Trafficking Victims Protection Act (TVPA 18 U.S.C. § 1595), the Fair Labor Standards Act (FLSA, 29 U.S.C. §201, et seq), the Illinois Minimum Wage Law, (IMWL 820 ILCS 105/4a.), the Illinois Wage Payment and Collection Act (IWPCA, 820 ILCS 115/1 et seq.), and the principles of Illinois contract theory.

Plaintiffs allege that Defendants fraudulently induced Plaintiffs to travel to Illinois with the promise of reimbursement for their visa, border crossing and travel expenses, and made certain promises as to their hours and wages which they did not uphold nor intend to uphold. Plaintiffs further allege that Defendants failed to pay Plaintiffs the wages Defendants represented Plaintiffs would be paid in Defendants' application to the Department of Labor when they failed overtime to pay overtime premium for all hours worked by Plaintiffs when Plaintiff worked more than 40 hours per week. Then, Defendants allegedly victimized Plaintiffs by creating conditions in which Plaintiffs did not feel free to leave their employ and felt a lack of control over their own autonomy both during work and outside work resulting in trafficking violations.

F. Relief sought by Plaintiffs: Plaintiffs seek, on behalf of themselves and all other Plaintiffs similarly situated, known and unknown, compensation to Plaintiffs and others similarly situated for all funds related to travel expenses to and from their homes for the purposes of employment with Jimenez & Sons; damages related to lost income based on the difference between the wage Defendants told the DOL it would pay and the amount actually paid to Plaintiffs, back pay equal to the amount of unpaid overtime compensation for the past three years, liquidated damages, statutory interest and prejudgment interest with respect to the total amount of alleged unpaid overtime compensation. Plaintiff also seeks reasonable attorneys' fees and costs.

G. Parties yet to be served: None.

H. Principal Legal issues: At this time, the legal issues are as follows:

1. Whether the facts as Plaintiffs have alleged if proven true would establish liability under the TVPA, the FLSA, IMWL and IWPCA and for breach of contract.

I. Principal Factual Issues:

1. Whether Defendants engaged in visa fraud, whether they complied with the requirements of the H2B visa program, whether they paid Plaintiffs on the basis they represented to the Department of Labor that they would pay them, whether Plaintiffs worked more than 40 hours in any given week, whether Plaintiffs were paid 1 1/2 times the agreed rate of pay for those hours worked over 40 per week, whether Defendants intended to comply with the requirements of the H2B visa program.

J. Anticipated motions: Plaintiffs' anticipate filing a motion for collective/class certification and possibly a motion for summary judgment. Defendants filed a

Motion to Dismiss and Plaintiffs sought leave to and did file an amended complaint..

K. Proposed discovery schedule: No discovery has occurred yet. The parties propose the following discovery schedule:

1. Written discovery should be concluded within 100 days from October 5, 2020.
2. Oral discovery should be concluded within 160 days from October 2020.
3. Expert discovery should be concluded within 240 days from Coteber 2020.

L. Trial scheduling: The parties could be ready for trial within 300 days. Estimated length of trial is 4 days.

M. Settlement discussions status: No settlement discussions have taken place.

N. Trial Before a Magistrate: The parties respectfully decline to consent to jurisdiction and trial before a Magistrate.

Jorge Arturo Flores Pulido, Daniel Cejas and
Angel Eduardo Flores Pulido on behalf of
themselves and others similarly situated,
Plaintiffs

/s/ Jorge Sanchez
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